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EAMON J WALL
THOMASON MOSER & PATTERSON LLP
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY NJ 07702

WM21/0707

EXAMINER

SRIVASTAVA, V

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

07/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/454,216

Applicant(s)
Donald Gordon et al

Examiner
Vivek Srivastava

Art Unit
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 12, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9, 11-17, 19-30, 36, and 37 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 10, 18, and 31-35 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 7 20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, 6, 7, 9, 12-17, 19-30, 36, 37 rejected under 35 U.S.C. 102(e) as being anticipated by Shiga (6,005,562) .

Considering claims 1, 12, 23, and 36 Shiga discloses a method for generating a bit stream and forming a user interface to be transmitted in a packet bitstream to a plurality of terminal units, wherein the user interface includes a guide portion and a video portion (fig 8, fig 9, fig 15, fig 16, fig 21, col 4 line 48 - col 5 line 26), defining and creating a first portion of the video frame with a first set of slices (fig 8, fig 9, col 4 lines 47 - 67, slices are met by portions of background video or EPG), defining and creating a second portion of the video frame with a second set of slices (fig 8, fig 9, col 5 lines 20 - 25, col 6 lines 26 - 35, second set of slices are met by video or EPG), encoding a first set of slices for the first portion of the plurality of first streams (col 4 lines 48 - 67 - met by encoding portions of the video frame), encoding the second set of slices for the second portion for each of a plurality of second streams (col 5 lines 20 - 25, col 6 lines 25 - 53 - met by encoding portions of the EPG frame).

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Regarding claims 2, 3, 4, 6, 7, 15, 16 and 17 intra-coding and predictive coding of the video portion of the video streams and encoding of second set of slices per GOP and the third and fourth set of slices performed multiple times per GOP is met by MPEG compression (col 4 line 47 - col 5 line 61). ✓

Considering claim 9, Shiga discloses encoding a plurality of audio streams, each audio stream associated with a corresponding video stream (col 4 lines 48 - 67, col 5 lines 46 - 60). ✓

Considering claim 13, Shiga discloses where the first set of packets are identifiable by a first set of packet identifiers (col 14 line 27 - col 15 line 45). ✓

Considering claim 14, Shiga discloses where the second set of packets are identifiable by a second set of packet identifiers (col 14 line 27 - col 15 line 45). ✓

Considering claim 19, Shiga discloses the claimed third said of packets including a plurality of audio streams (fig 1, col 4 line 48 - col 5 line 61). ✓

Considering claims 20 and 22, Shiga discloses wherein the plurality of video streams comprise full motion video streams which can be retrieved with a demultiplexor and decoder at a receiving terminal without assistance from a microprocessor (fig 23 items 24, 25, 26). ✓

Considering claim 24, Shiga discloses wherein the full motion video streams can be retrieved with a single tune at the receiving terminal (fig 23 item 21). ✓

Considering claims 21 and 25, Shiga discloses wherein the full motion video stream can be played interchangeably with a single tuner at the receiving terminal (fig 23 item 21). ✓

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Considering claim 26, Shiga discloses wherein the encoded first set of slices for the guide portion for the plurality of guide pages is sent as an elementary stream (col 6 lines 26 - 53, fig 14, fig 16, fig 18).

Considering claim 27, Shiga discloses wherein the encoded first set of slices for the guide portion for the plurality of guide pages and the encoded second set of slices for the video portion for the plurality of video streams are sent as a single transport stream (fig 1, fig 2 - video streams are combined into a single stream).

Considering claim 28, Shiga discloses wherein each of the plurality of guide pages can be recombined with any one the plurality of video streams to form a program guide page (program guide can be displayed with any video stream - col 7 lines 10 - 65, fig 5).

Considering claims 29 and 30, Shiga discloses wherein one of the plurality of video streams are selectable and interchangeable displayed by selecting and recombining a video stream with a particular guide page (col 7 lines 10 - 65, fig 5, EPG guide can be displayed with any video stream in the background).

Considering claim 37, Shiga discloses wherein the plurality of first streams comprise a plurality of guide pages and the plurality of second streams comprise a plurality of video streams (col 4 lines 48 - 67, col 5 lines 20 - 25, col 6 lines 26 - 34).

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Allowable Subject Matter

3. Claims 5, 8, 10, 11, 18, 31, 32, 33, 34 and 35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 6/29/01



**VIVEK SRIVASTAVA
PATENT EXAMINER**